

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Nuclear Energy Institute and)	ET Docket No. 05-345
United Telecom Council)	
)	
Request for Waiver to Permit the Use of)	
Certified Wireless Headsets and)	
Intercom Devices at Nuclear Facilities)	

To: Chief, Office of Engineering and Technology

REPLY COMMENTS OF ENTERGY SERVICES, INC.

Entergy Services, Inc. ("Entergy"), by and through its undersigned counsel and pursuant to Section 1.415 of the Federal Communications Commission's ("FCC's") rules,¹ hereby submits these Reply Comments in support of the Request for Waiver ("Request") filed by the Nuclear Energy Institute ("NEI") and the United Telecom Council ("UTC") to permit the continued use of Telex wireless headsets and intercom devices at nuclear facilities.² Entergy has an interest in this proceeding because its corporate affiliates own and operate ten nuclear power plants. These affiliates also provide operations and management services to nuclear power plants owned by other utilities in the United States.

The FCC may grant a waiver if either (1) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and a grant of the requested waiver would be in the public interest, or (2) in view of unique or unusual factual circumstances,

¹ 47 C.F.R. § 1.415 (2004).

² Office of Engineering and Technology Seeks Comment on Nuclear Energy Institute and United Telecom Council Request for Waiver of Section 74.832(h), ET Docket No. 05-345, *Public Notice*, 20 FCC Rcd 20035 (2005).

application of the rule would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.³ Alternatively, the FCC may apply the general "good cause" standard.⁴

The Request satisfies the requirements for a waiver of the relevant FCC rules. The application of section 74.832 to nuclear facilities would not serve the rule's underlying purpose of preventing the occurrence of interference to broadcast signals. Although a few commenters allege that the use of Telex equipment would pose an interference risk to television reception, the majority of the commenters note that interference is highly unlikely because nuclear facilities use this equipment within steel-fortified, thick-walled concrete buildings.⁵ Even if the utilities were to use Telex equipment outdoors, the nuclear facilities are located on large campuses in remote areas and operate the equipment at low output power.⁶ Based on the nature and circumstances of their use, the signals should sufficiently attenuate before they reach the boundaries of the nuclear facilities. Finally, commenters report that they have detected no problems with harmful interference and have not even received any interference complaints.⁷

A waiver is also in the public interest because Telex equipment enhances the safe and efficient operations of nuclear facilities. NEI, UTC, and the utility commenters all note that

³ 47 C.F.R. § 1.925.

⁴ *Id.* § 1.3.

⁵ *E.g.*, Comments of Arizona Public Service Company, ET Docket No. 05-345, 2 (Jan. 17, 2006) [hereinafter *APS Comments*]; Comments of Nuclear Management Company, ET Docket No. 05-345, 1 (Jan. 17, 2006) [hereinafter *NMC Comments*].

⁶ *E.g.*, Comments of Tennessee Valley Authority, ET Docket No. 05-345, 1 (Jan. 12, 2006) [hereinafter *TVA Comments*]; Comments of Exelon Generation Company, LLC, ET Docket No. 05-345, 3 (Jan. 17, 2006) [hereinafter *ExGen Comments*], Comments of Dominion Resources, Inc., ET Docket No. 05-345, 3 (Jan. 17, 2006) [hereinafter *Dominion Comments*].

⁷ *E.g.*, *ExGen Comments* at 3; *Dominion Comments* at 3; *APS Comments* at 2.

Telex equipment permits clear, uninterrupted communications among personnel at nuclear plants during critical operations.⁸ These communications enable nuclear facilities to limit the exposure of personnel to radiation.⁹ Telex equipment would also contribute to other aspects of safe and efficient plant operation by providing employees with maximum mobility and preventing inadvertent actuation, alarm, or interference with other radio-controlled equipment.¹⁰

Operators of nuclear facilities have no reasonable alternative that provides the same benefits as Telex equipment. NEI, UTC, and several commenters have itemized the numerous characteristics of Telex equipment that make it indispensable to their operations.¹¹ Although a few commenters claim to have identified alternative equipment that possess some of these characteristics, utility commenters have adequately explained why typical Part 90 equipment would not serve the unique needs of nuclear facilities.¹²

⁸ E.g., *NEI/UTC Request* at 7; *ExGen Comments* at 3; *NMC Comments* at 1; *Dominion Comments* at 2-3.

⁹ E.g., *TVA Comments* at 1; *ExGen Comments* at 2, 3; *NMC Comments* at 1-2; Comments of Progress Energy, ET Docket No. 05-345, 1 (Jan. 17, 2006).

¹⁰ E.g., *ExGen Comments* at 2; Comments of PPL Susquehanna, LLC, ET Docket No. 05-345, 2 (Jan. 18, 2006) [hereinafter *PPL Comments*]; *NMC Comments* at 2, *Dominion Comments* at 2.

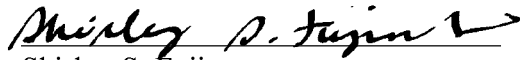
¹¹ E.g., *NEI/UTC Request* at 7; Comments of Wolf Creek Nuclear Operating Corporation, ET Docket No. 05-345, 1-2 (Jan. 17, 2006) [hereinafter *Wolf Creek Comments*]; *PPL Comments* at 2-3; *NMC Comments* at 2.

¹² E.g., *Wolf Creek Comments* at 1-2; *APS Comments* at 2, *PPL Comments* at 2-3, *NMC Comments* at 2, *Dominion Comments* at 4.

WHEREFORE, THE PREMISES CONSIDERED, Entergy respectfully requests the
FCC grant a waiver in this matter consistent with the views expressed herein.

Respectfully submitted,

ENTERGY SERVICES, INC.

A handwritten signature in black ink, appearing to read "Shirley S. Fujimoto", with a stylized flourish at the end.

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